

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND
COMPOUNDING PHARMACY, INC.
PRODUCTS LIABILITY LITIGATION

MDL No. 13-2419-RWZ

This Document Relates To:

All Actions

ORDER ON GOVERNMENT’S MOTION TO STAY THE DEPOSITIONS
OF JOSEPH CONNOLLY AND JOHN NOTARIANNI

[Docket No. 2395]

December 10, 2015

Boal, M.J.

On September 4, 2015, the United States moved for, inter alia, a stay of the depositions of all former NECC and MSM employees who are potential government witnesses in the related criminal case. Docket No. 2209. On October 26, 2015, this Court declined to grant such a widespread stay. Docket No. 2354. The Court, however, indicated that it would entertain motions to stay the depositions of specific individuals supported by particularized reasons. Id. at 3.

The government now moves for a stay of the depositions of John Connolly and John Notarianni. Docket No. 2395. In its motion, the government largely repeats the same arguments made in support of its request for a blanket stay of depositions. The government does provide more detail about the subject matter of the testimony of these two witnesses. However, the government has not offered sufficient, particularized reasons why these two depositions should not go forward. Accordingly, the Court denies the motion without prejudice. Should the government wish to provide more specific reasons for its request, it shall file a renewed motion

no later than December 17, 2015. To the extent necessary, the government has permission to file any portion of such motion that it deems necessary ex parte and under seal. In the meantime, the depositions of Connolly and Notarianni continue to be stayed until further order of the Court.¹

So Ordered.

/s/ Jennifer C. Boal
JENNIFER C. BOAL
United States Magistrate Judge

¹ On November 10, 2015, the Court stayed the depositions pending a full consideration of the merits of the government's motion. Docket No. 2403.